

### DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS 2170 SW Canal Street

2170 SW Canal Street Stuart, FL 34997

REPLY TO ATTENTION OF

JUN 0 1 2007

Regulatory Division
Special Projects and Enforcement Branch
SAJ-2007-1463(NPR-AAZ)

Florida Department of Transportation, District 4 Attn: Ellen Daniel 3400 West Commercial Boulevard Fort Lauderdale, FL 33309

Dear Ms. Daniel:

Reference is made to the application received on March 5, 2007, for a Department of the Army permit to mill and resurface State Road 510 from east of U.S. Highway 1 to west of State Road A1A. The project includes the construction of a pedestrian sidewalk in the upland portion of the roadway as well as on three of the four bridges over the Indian River. The sidewalk would not be constructed on the bridge over the Intracoastal Waterway, Bridge Number 880051. The application has been assigned file number SAJ-2007-1463. The project is located along State Road 510 over the Indian River in Sections 26, 27, and 28, Township 31 South, Range 39 East, Indian River County, Florida.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is considered a bridge and, therefore, is under the regulatory jurisdiction of the U.S. Coast Guard. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

A U.S. Army Corps of Engineers' (Corps) "Basis for Jurisdiction" form is enclosed for your information and file. This letter contains an approved jurisdictional determination for your permit application. If you object to this decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, you must submit a completed RFA

form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell South Atlantic Division U.S. Army Corps of Engineers CESAD-CM-CO-R, Room 9M15 60 Forsyth St., SW. Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by August 4, 2007. It is not necessary to submit an RFA form to the Division office, if you do not object to the decision in this letter.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if Federally listed species or their habitat

are present on your project site. If it is determined that Federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-763-2177, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Alisa Zarbo by email at Alisa.A.Zarbo@saj02.usace.army.mil, at the letterhead address, or by telephone at 772-219-8418.

Thank you for your cooperation with our permit program.

Sincerely,

Loren M. Mason

Chief, Special Projects and

Enforcement Branch

Copy to:

U.S. Coast Guard, Miami, FL

#### NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applic	eant: FDOT, District 4	File Number: <b>SAJ-2007-1463</b>	Date: 6-4-07
Attach	ed is:	See Section below	
	INITIAL PROFFERED PERMIT (Standard Perm	A	
	PROFFERED PERMIT (Standard Permit or Lette	r of permission)	В
	PERMIT DENIAL		С
X	APPROVED JURISDICTIONAL DETERMINAT	TION	D
	PRELIMINARY JURISDICTIONAL DETERMIN	NATION	E

SECTION 1 - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <a href="http://usace.army.mil/inet/functions/cw/cecwo/reg">http://usace.army.mil/inet/functions/cw/cecwo/reg</a> or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you
  may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this
  form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the
  date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative
  Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received
  by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review office has determined is needed to clarify the administrative record. Neither the speciliant on the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the administrative record. Neither the speciliant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that it is already in the administrative record. However, you may provide additional information to clarify the location of information that is already in the administrative record. However, you may provide additional information to clarify the location of information that is already in the administrative record. However, you may provide additional information to clarify the location of information that is already in the administrative record.  [1] You may add new information records the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.  [2] You may a record the appeal process you may affect the special provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.  [3] Telephone number:  [3] Signature of appellant or agent.	SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO A	NANITIAL PROFFERED PERM	IT
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	Signature of appellant or agent.		A CONTRACTOR OF THE CONTRACTOR

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESAJ-RD-P FILE NUMBER: SAJ-2007-1463

PROJE	CT LOCA	ATION II	NFORMATION:			
	ite:	FL				
	unty:	Indian F				
Ce	nter coordi	inates of s	ite (latitude/longitud	le): Bridge	: No 880052, 880051, 880050, 880053 over ICWW	
Ap	proximate	size of an	ea (parcel) reviewed	, including	g uplands: 58,165	
			vay: Intracoastal Wa	iterway		
Na	me of wate	rshed:	Everglades			
nimici	>ICM3CA)	A F ENERGENY	OTHE WENT A PROPERTY			
			ERMINATION determination		Duta. 6.3.07	
Co	mpicicu.	_			Date: 6-1-07	
		Site visi	1(5)		Date(s):	
Jui	risdictiona	l Determ	ination (JD):			
	Prelimin	ary JD - E	sased on available in	formation	, there appear to be (or) there appear to be no "waters of the United States" and/or	
	"navigab	le waters	of the United States	" on the pr	roject site. A preliminary JD is not appealable (Reference 33 CFR part 331).	
-					·	
M		Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).				
	Check al	l that appl	ly:			
	₩ 71	46	Sanata a	37 1/ 10·	1 W ( 1 M 11 00 00m 100 100 100 100 100 100 100 1	
	Approvi	e <i>are</i> nav	igable waters of the of jurisdictional area	United St	ates" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.	
	Аррголи	maic size	or jurisdictional area	i. ICWW.		
	There	are "wat	ers of the United Sta	ates" (as d	efined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate siz	
	of jurisdi	ctional ar	ea:	**************************************	ormed by 35 Cr is pair 526 and associated guidance) within the reviewed area. Approximate siz	
	-					
	There	are "isoi	lated, non-navigable	, intra-sta	te waters or wetlands" within the reviewed area.	
			Decision supported	l by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.	
	~					
BASIS (	OF JURIS	DICTIO	NAL DETERMINA	ATION:		
A.	Waters of	lefined ur	ider 33 CFR part 3	29 as "na	vigable waters of the United States":	
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				and flow of the tide and/or are presently used, or have been used in	
	uic pasi,	ot may be	susceptible for use	to transpor	t interstate or foreign commerce.	
В.	Waters d	lefined ur	ider 33 CFR nart 3	28.3(a) as	"waters of the United States":	
	(1) The p	resence of	f waters, which are c	currently u	sed, or were used in the past, or may be susceptible to use in	
	interstate	or foreign	n commerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.	
	(2) The p	resence of	f interstate waters in	cluding in	terstate wetlands <sup>1</sup> .	
	(3) The p	resence of	f other waters such a	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs	
	prairie po	tholes, w	et meadows, playa la	ikes, or na	tural ponds, the use, degradation or destruction of which could affect interstate commerce	
	including	any such	waters (check all the	at apply):		
	☐ (i) w	hich are o	r could be used by i	nterstate o	r foreign travelers for recreational or other purposes.	
	(ii) fi	rom whicl	n fish or shellfish are	e or could	be taken and sold in interstate or foreign commerce.	
P. Company	(iii) '	which are	or could be used for	r industrial	purposes by industries in interstate commerce.	
	(4) Impor	indments	of waters otherwise	defined as	waters of the US.	
	(5) The pr	resence of	a tributary to a wate	er identifie	d in (1) - (4) above.	
1	(0) the pi	resence of	territorial seas.	ta athan	aters of the US, except for those wetlands adjacent to other wetlands.	
	(1) THE PI	COUNTY UI	womanus aujacem	to outer W	aces of the Oo, except for mose wetlands adjacent to other wetlands.	
Rati	onale for	the Basis	of Jurisdictional D	eterminat	ion (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a	
menti	nahla wate	or of the X	Inited States denouil		to the the discontinuous encented above, if the further thank which we will also the discontinuous the transfer of the first than the first t	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The work proposed is associated with the bridge and therefore is jurisdiction of the US Coast Guard. A copy of this determination is being sent to the US Coast Guard office in Miami.

2

	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  I the presence of litter and debris of large shelving other:  I the presence of litter and debris of large shelving other:  I the presence of litter and debris of large shelving other:  I the presence of litter and debris of large shelving other:  I the presence of litter and debris of large shelving of large shelving other:
	Mean High Water Mark indicated by:  Survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
DATA RI	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain): No fill within the wetlands or waters of the United States. Bridge work falls within the jurisdiction of the Coast Guard.
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey Flydrologic Atlas:  J.S. Geological Survey T.5 Minute Topographic maps:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Autural Resources Conservation Service Soil Survey:  Vational wetlands inventory maps:  Vater/Local wetland inventory maps:  VEMA/FIRM maps (Map Name & Date):  On-year Floodplain Elevation is:  Verial Photographs (Name & Date):  On-year Floodplain Elevation is:  Verial Photographs (Name & Date):  Verial Photographs (Name & Date):  Verial Photographs (Date):  Verial Photographs

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

COMPONENTS OF CONTRACT PLANS SET

ROACHIO PLANS STOUMO-MID PAVEMENT MARKING PLANS LANDSCAPE PLANS STRUCTURE PLANS

A DETAILED MOEX APPEARS ON THE KEY SHEET OF EACH COMPONENT

## INDEX OF ROADWAY PLANS

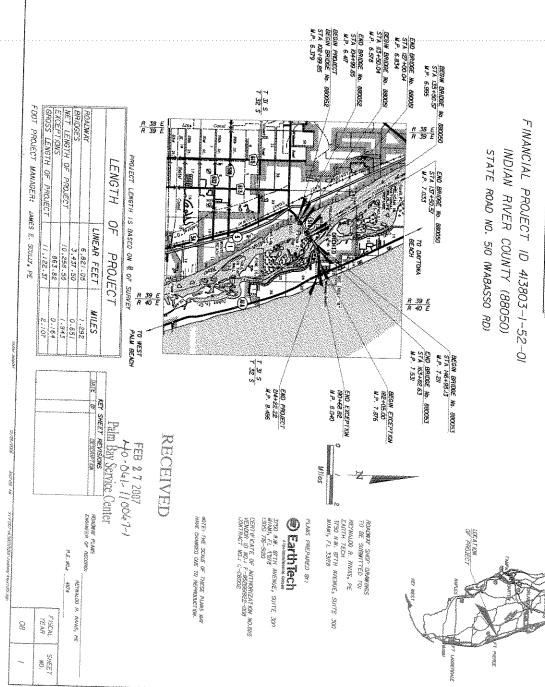
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### DEPARTMENT OF TRANSPORTATION STATE OF FLORIDA

# CONTRACT PLANS



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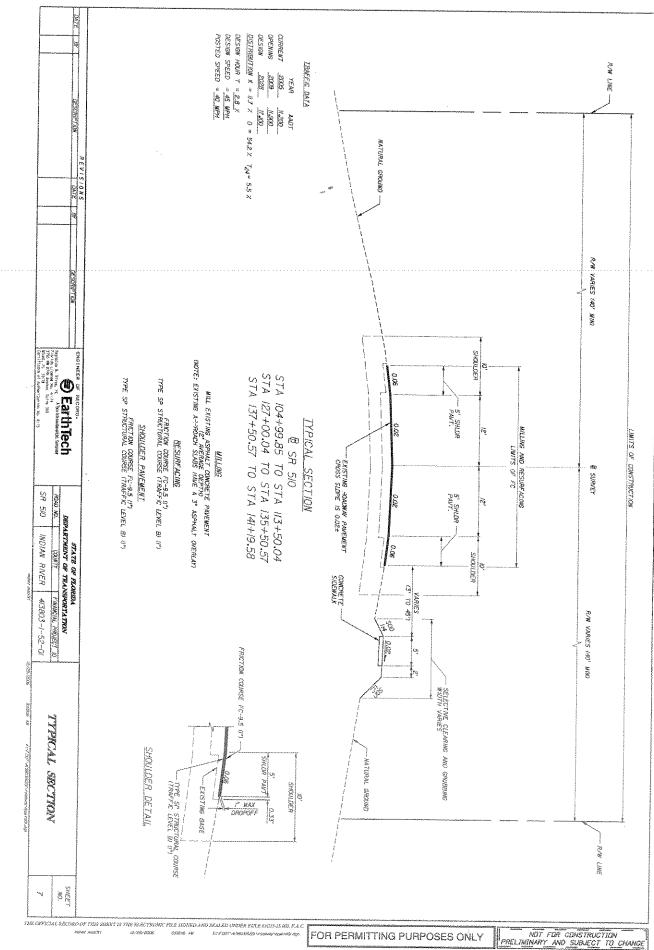
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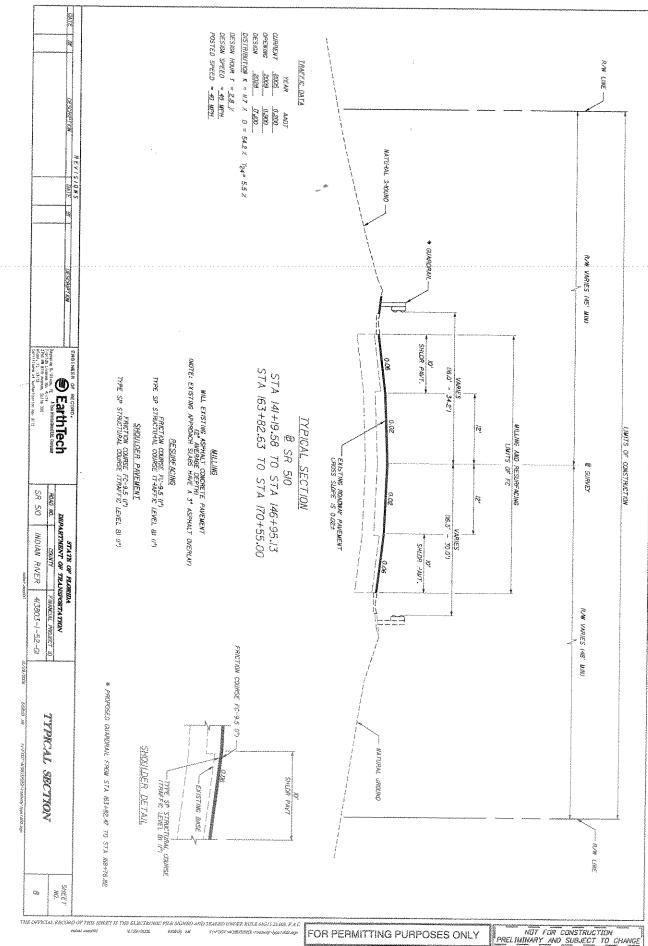
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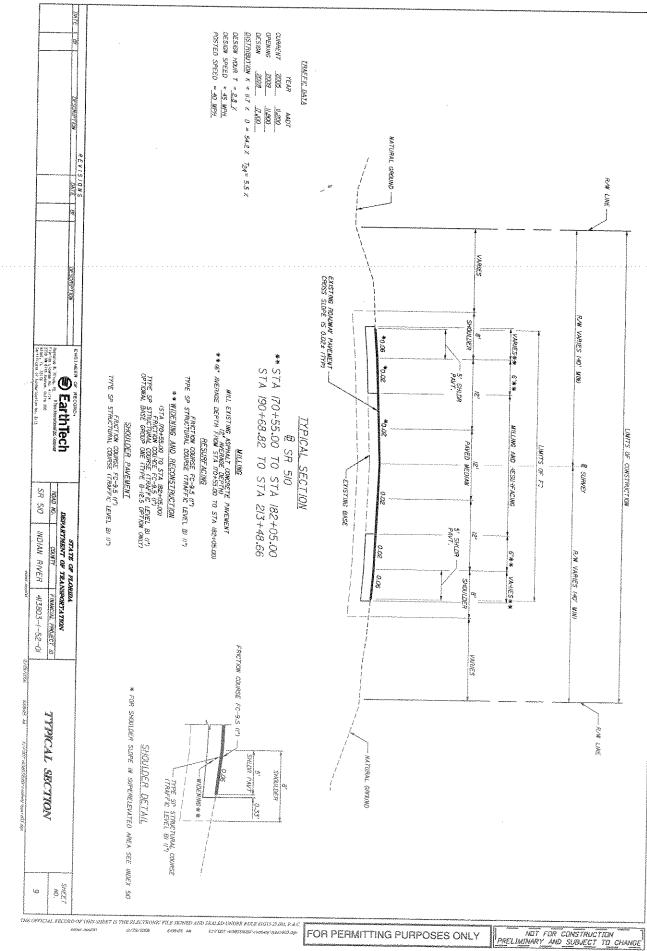
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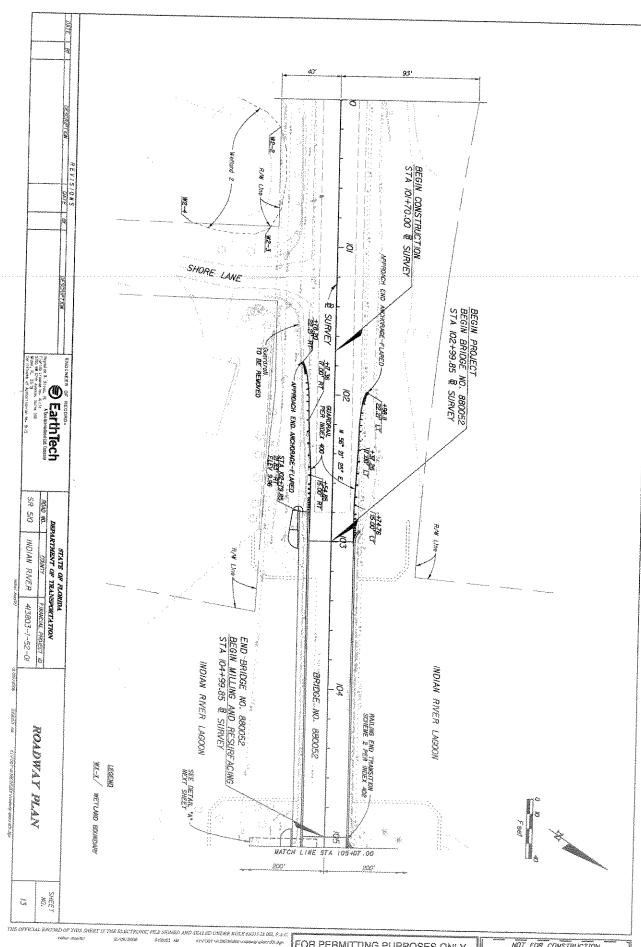
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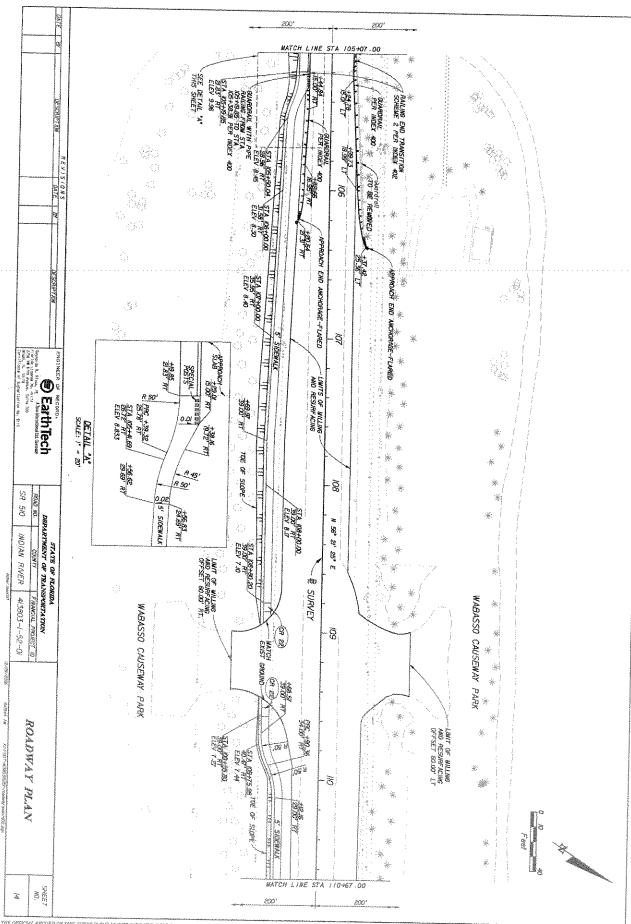
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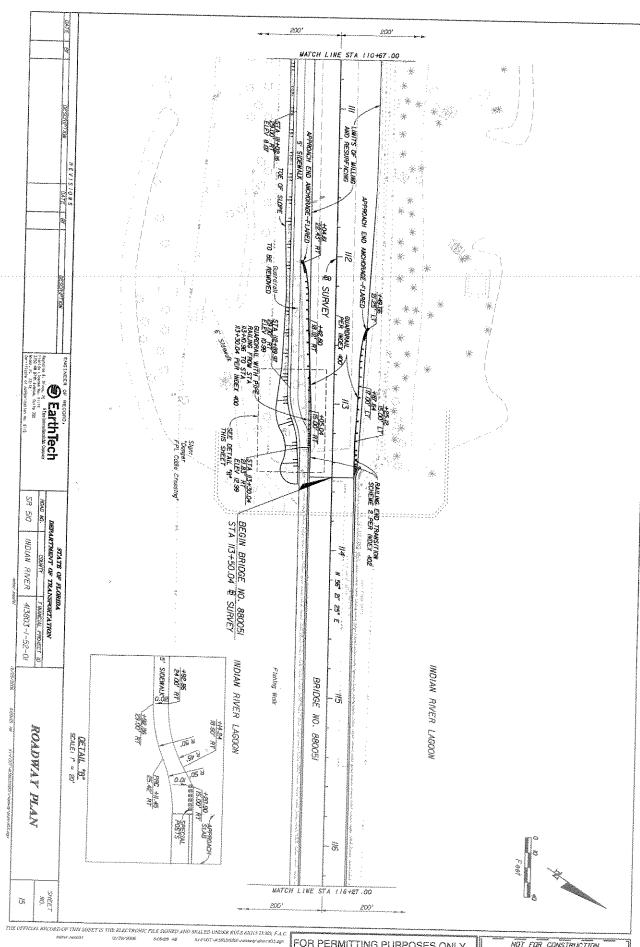








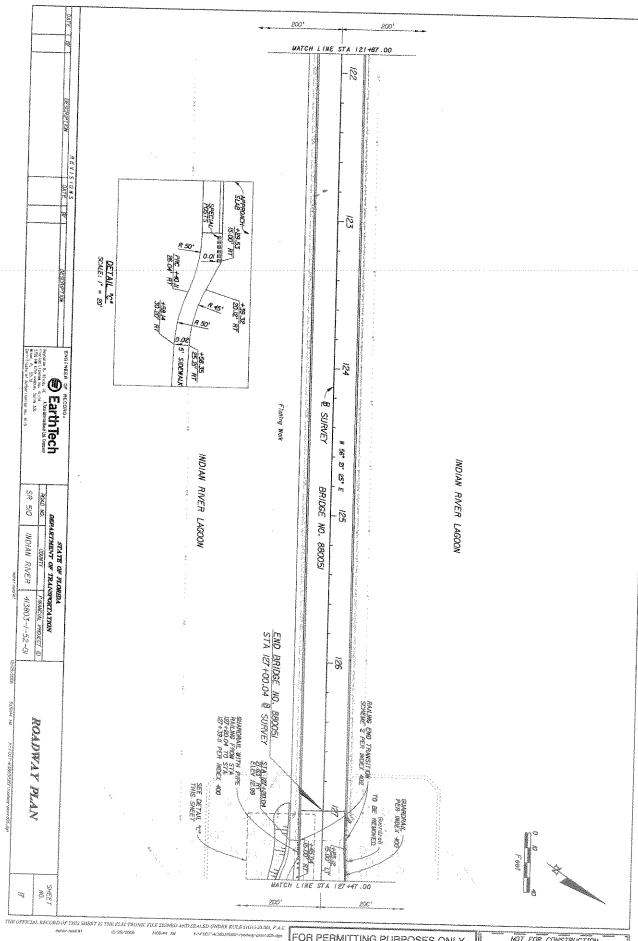


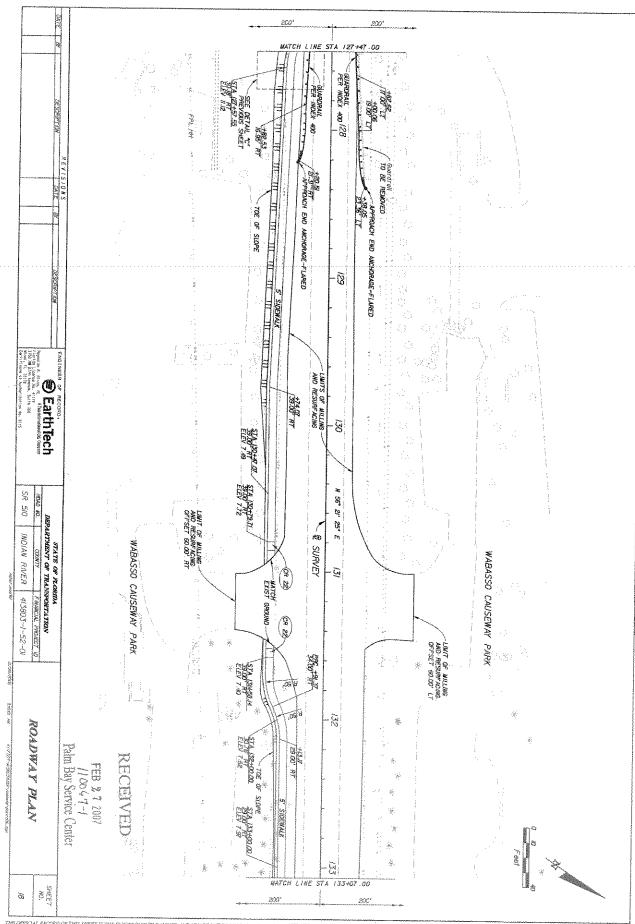


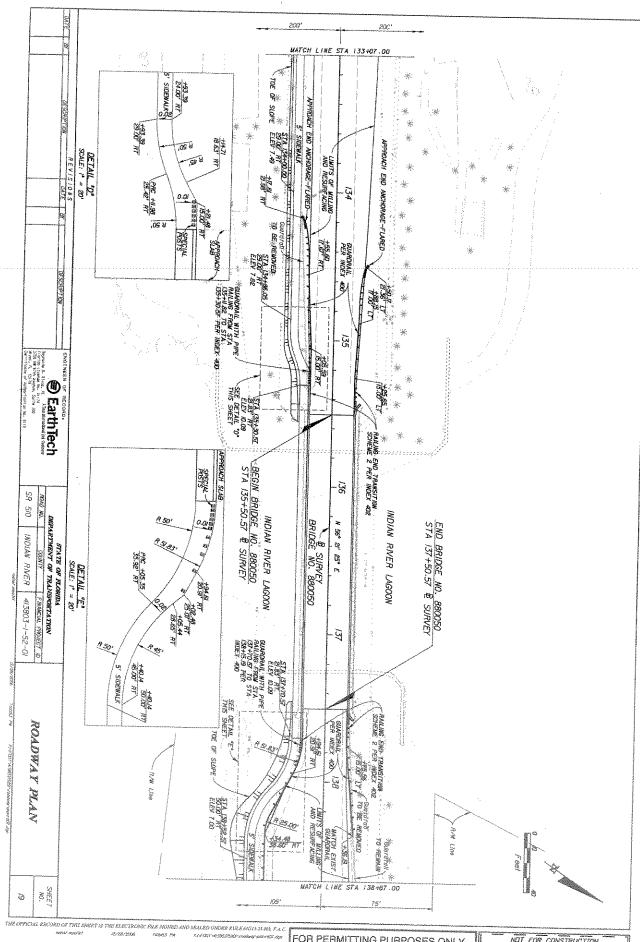
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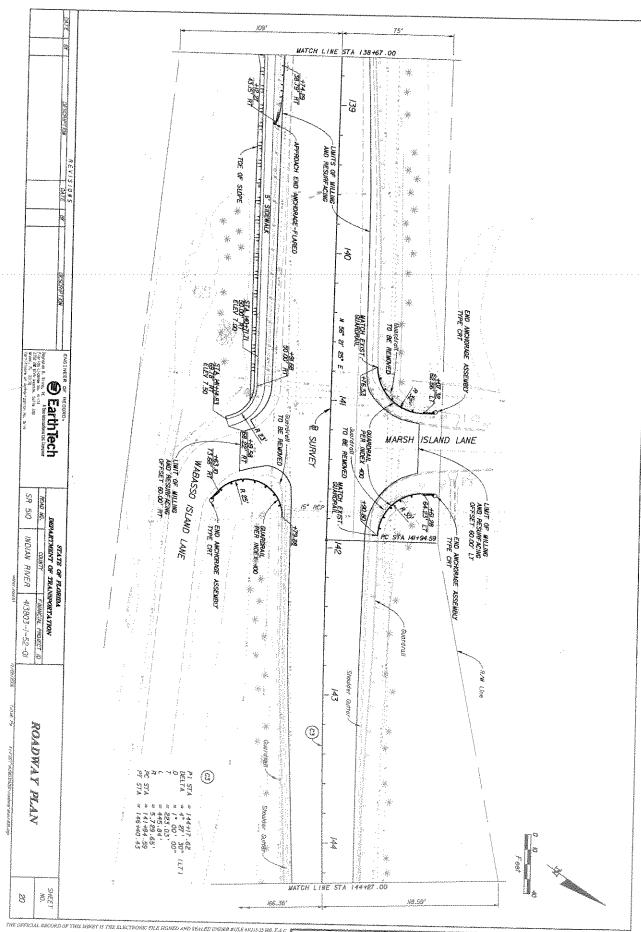
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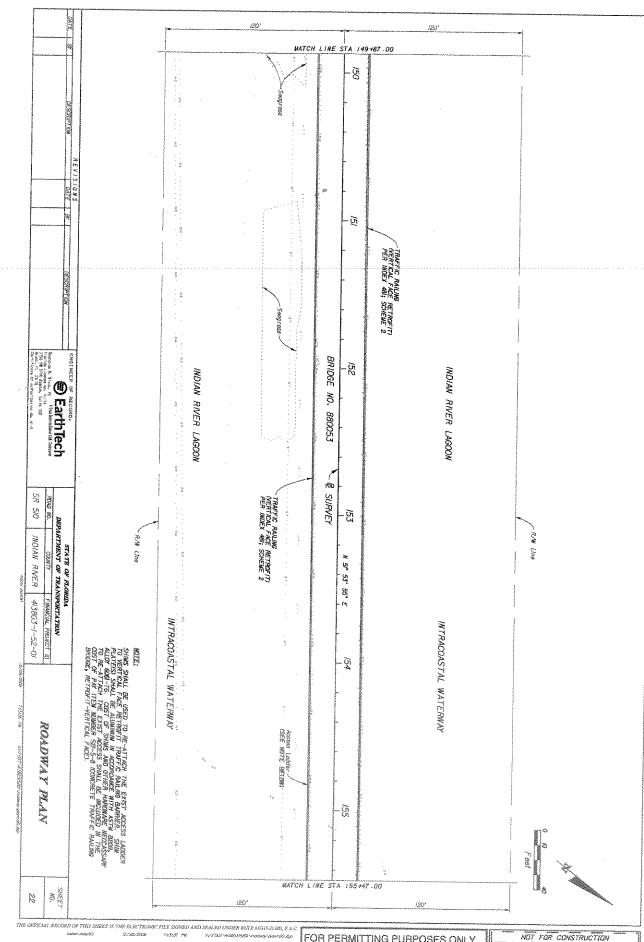


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FOR PERMITTING PURPOSES ONLY

